

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1250 be amended to read as follows:

- 1 Page 2, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 2. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2006]: Sec. 18.5. (a) "Grocery store" means
- 5 a store or a part of a store that:
- 6 (1) has the primary North American Industry Classification
- 7 System (NAICS) classification 445110 or 452910; and
- 8 (2) is primarily engaged in the retail sale of a general food line,
- 9 which may include:
- 10 (A) canned and frozen foods;
- 11 (B) dry goods, including tea, coffee, sugar, and flour;
- 12 (C) fresh fruits and vegetables; and
- 13 (D) fresh and prepared meats.
- 14 (b) The term does not include a store that has less than two
- 15 hundred fifty thousand dollars (\$250,000) in annual gross sales of
- 16 food, excluding the following:
- 17 (1) Candy, confectionaries, and chewing gum.
- 18 (2) Alcoholic beverages.
- 19 (3) Cocktail mixers.
- 20 (4) Soft drinks, sodas, and other similar beverages.
- 21 (5) Medicines, tonics, vitamins, and other dietary supplements.
- 22 (6) Water (except natural spring water), mineral water,
- 23 carbonated water, and ice.
- 24 (7) Pet food.
- 25 (8) Food furnished, prepared, or served for consumption at a

1 location, or on equipment, provided by the retail merchant.

2 (9) Meals served by a retail merchant off the merchant's
3 premises.

4 (10) Food sold by a retail merchant who ordinarily bags,
5 wraps, or packages the food for immediate consumption on or
6 near the merchant's premises, including food sold on a "take
7 out" or "to go" basis.

8 (11) Food sold through a vending machine.

9 (12) Tobacco products."

10 Page 17, after line 42, begin a new paragraph and insert:

11 "SECTION 22. [EFFECTIVE JULY 1, 2006] **Notwithstanding**
12 **IC 7.1-1-3-18.5, as added by this act, the commission may renew or**
13 **transfer ownership of a beer dealer's permit for a beer dealer who:**
14 **(1) held a permit before July 1, 2006; and**
15 **(2) does not qualify for a permit as a grocery store under the**
16 **definition established by IC 7.1-1-3-18.5, as added by this**
17 **act."**

18 Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26,
2006.)

Representative Orentlicher